

## Message Text

LIMITED OFFICIAL USE

PAGE 01 PORT A 01602 162129Z

63

ACTION ARA-20

INFO OCT-01 ISO-00 SP-03 AID-20 EB-11 NSC-07 RSC-01

CIEP-03 TRSE-00 SS-20 STR-08 OMB-01 CEA-02 L-03 H-03

COME-00 PM-07 CIAE-00 INR-11 NSAE-00 JUSE-00 FRB-03

OPIC-12 DRC-01 /137 W

----- 097536

R 162030Z AUG 74

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 8422

LIMITED OFFICIAL USE PORT AU PRINCE 1602

E.O. 11652: N/A

TAGS: EINV, HA

SUBJECT: SUGGESTED QUESTIONS TO BE POSED TO PIERSON, DUPONT CARIBBEAN

,

DURING AUGUST 21 MEETING

REF: (A) STATE 173855; (B) P-AU-P 1601

1. DID DCI ISSUE THE SHARES AS CALLED FOR IN CONTRACT?
  2. WAS AN EFFORT MADE TO SEEL THESE SHARES IN ORDER TO OBTAIN INVESTMENT FUNDS, AS CALLED FOR IN THE CONTRACT?
  3. WAS THE GOVERNMENT OF HAITI GIVEN ANY SHARES? IF SO, TO WHOM WERE THEY GIVEN AND HOW?
  4. DID DCI ISSUE A CERTIFICATE FOR 10,000 CLASS A SHARES TO HARRY TODD, AS CLAIMED BY THE GOH? IF SO, DID TODD PROVIDE INVESTMENT FUNDS IN RETURN FOR THE SHARES? WAS THE HAITIAN GOVERNMENT INFORMED OF THIS?
  5. WHEN DCI PROVIDED THE 18-MONTH PAYMENT, WAS THE GOH GIVEN A CHOICE BETWEEN A SHARE OF THE PROFITS OR A FLAT SUM? IF SO, HOW
- LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PORT A 01602 162129Z

WAS IT DONE--LETTER, TELEGRAM, CONVERSATION--AND TO WHOM WAS THE

OFFER MADE?

6. WAS AN OFFICE OF THE FREE PORT AUTHORITY EVER ESTABLISHED?  
IF SO, WHERE? HOW MANY EMPLOYEES?

7. WERE BY-LAWS DEVELOPED FOR THE ORGANIZATION? (NOTE: ACCORDING TO THE DCI PROGRESS REPORT OF OCTOBER 5, 1972, POLICIES AND LEGAL CODES FOR THE IMPLEMENTATION OF THE LEGAL INFRASTRUCTURE WERE SUBMITTED. ARE COPIES OF THESE AVAILABLE? WAS AN EFFORT MADE TO FOLLOW UP AND GET THEM APPROVED? IS THERE PROOF OF A FOLLOW UP, I.E. COPIES OF LETTERS OR CABLES?)

8. WAS ANY EFFORT MADE TO CALL MEETINGS OF THE FREE PORT AUTHORITY BOARD BETWEEN OCTOBER 1972 AND APRIL 1973? HOW AND WITH WHOM? ARE THERE COPIES OF LETTERS OR CABLES?

9. DURING THE PERIOD NOVEMBER 1972 TO MARCH 1973, WHO WERE THE DCI MEMBERS OF THE BOARD? WAS ANY CHANGE MADE FROM THE MEMBERSHIP AS OF SEPTEMBER 1972? IF SO, WAS THE HAITIAN GOVERNMENT INFORMED?

10. DID DCI EVER CREATE A LEGAL STRUCTURE IN HAITI TO HANDLE ITS RELATIONS WITH THE GOH, AS WAS RECOMMENDED BY OPIC IN MARCH 1972?

11. DID DCI HAVE A FULL-TIME EMPLOYEE IN PORT-AU-PRINCE AT ANY TIME BETWEEN APRIL 1971 AND MARCH 1973? IF SO, FOR HOW LONG? WHAT AUTHORITY DID THE EMPLOYEE HAVE? WAS THERE AN OFFICE?

12. HOW MUCH TIME DID PIERSON SPEND IN HAITI, PARTICULARLY BETWEEN AUGUST 1972 AND FEBRUARY 28, 1973?

13. MR. PIERSON HAS STATED (IN HIS OCTOBER 4, 1973 TELEGRAM TO SECRETARY KISSINGER AND IN HIS JULY 23, 1974 TESTIMONY TO THE SENATE SUBCOMMITTEE) THAT THE WHOLE CONCEPTION OF HIS ORIGINAL PROPOSAL AND THE CONTRACT WAS TO "SHARE EQUAL OWNERSHIP OF THE OPERATING COMPANY WITH THE REPUBLIC OF HAITI." IS THIS STATEMENT CONSISTENT WITH THE PROVISIONS OF THE CONTRACT--WHICH GIVES DCI 10,000 CLASS B (OR VOTING) SHARES AND THE GOH 10,000 CLASS A (OR NON-VOTING) SHARES? AND WITH THE FACT THAT DCI WAS TO NAME THREE MEMBERS TO THE FREE PORT AUTHORITY BOARD, WHILE THE GOH WAS TO NAME TWO?

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 PORT A 01602 162129Z

14. WHAT PROVISIONS IN THE CONTRACT GOVERNED THE TRAVEL OF HAITIAN CITIZENS FROM THE MAINLAND TO THE ISLE DE LA TORTUE? WAS THERE ANYTHING IN THE CONTRACT WHICH WOULD HAVE MADE TRAVEL BY A HAITIAN CITIZEN TO THIS PART OF HAITI'S TERRITORY ANY DIFFERENT THAN TRAVEL ELSEWHERE WITHIN HAITI, E.G., A REQUIREMENT FOR A FOREIGN PASSPORT? (FYI: THE GOH STATES A FOREIGN PASSPORT WOULD HAVE BEEN REQUIRED AND THIS ILLUSTRATED THE UNCONSTITUTIONALITY OF THE CONTRACT.)

DECON FOLLOWING 12/31/78 OR AFTER DISPUTE RESOLVED.  
ISHAM

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CHEMICAL INDUSTRY, LITIGATION, BUSINESS FIRMS, CONTRACTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 16 AUG 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** papenddr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974PORTA01602  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740226-0771  
**From:** PORT AU PRINCE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19740841/aaaabixw.tel  
**Line Count:** 118  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION ARA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** (A) STATE 173855; (B) P-AU-P 1601  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** papenddr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 JUN 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16 SEP 2002 by boyleja>; APPROVED <21 FEB 2003 by izenbei0>; WITHDRAWN <13 Jun 2005 by BoyleJA, PRIVACY>; RELEASED <17 JUN 2005 by powellba2>; APPROVED <21 JUN 2005 by papenddr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SUGGESTED QUESTIONS TO BE POSED TO PIERSON, DUPONT CARIBBEAN  
**TAGS:** EINV, HA, (PIERSON, DON)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005